

U.S.S.N. 09/469,812

Atty. Docket No.: 109846.137 (SYN-014)

(NE) 12. (New) A method for producing a transgenic plant containing a polynucleotide of interest, the method comprising:

(a) introducing into a plurality of plant cells a T-DNA vector comprising:

- (i) a T-DNA sequence comprising a right border, a left border and the polynucleotide of interest positioned between the right and left border, and
- (ii) a non-T-DNA sequence comprising a barnase polynucleotide sequence encoding a barnase enzyme, wherein said non-T-DNA sequence is located beyond the left T-DNA border;

(b) selecting a plant cell which comprises the T-DNA sequence and does not comprise the barnase polynucleotide sequence; and

(c) regenerating a transgenic plant from the selected plant.

REMARKS

Applicants thank the Examiner and his Supervisor, Dr. Amy Nelson, for the courtesy of telephone conversations with the undersigned on August 14, 16, and 21, 2002 regarding how best to proceed with prosecution of this application. Further to these telephone conversations, Applicants submit the present Amendment.

Suggested Claim.

1. Amendment Adding Suggested Claim.

In the Amendment submitted herewith, new claim 12 has been added corresponding to the claim suggested by the Examiner for purposes of an interference in the Office Action dated March 28, 2001. The Office Action provided a non-extendable one-month time period for Applicants to add the suggested claim.

Applicants respectfully submit that the failure to present the suggested claim within the one-month period should be excused for the reasons set forth below and, accordingly, the present Amendment adding claim 12 should be entered in the application. No new matter is added by this Amendment, as support therefore is found